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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**U.S. DISTRICT COURT
MID. DIST. TENN.**MICHAEL CHARLES,
Plaintiff,

CASE No. _____

vs.

JUDGE _____

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS,
Defendant.

This action is brought by the Plaintiff, Michael Charles, against the Defendant the United States Department of Justice, Federal Bureau of Prisons, under TITLE 5 of the United States Code Service § 552, which is the Freedom of Information Act.

JURISDICTION

1. This Court has both Subject Matter Jurisdiction over this action and Personal Jurisdiction over the Defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552 (a)(4)(B) and 28 U.S.C. § 1331.

PARTIES

3. The Plaintiff, Michael Charles is a resident of Pennsylvania.
4. The Defendant, the United States Department of Justice, Federal Bureau of Prisons, is an Agency within the meaning of 5 U.S.C. § 552(e). The United States Department of Justice, Federal Bureau of Prisons, is in possession of or control over the records requested, by the Plaintiff, Michael Charles, that are subject to this action and in the District of Columbia.

CAUSE OF ACTION

5. On October 04, 2016, the Plaintiff Michael Charles, submitted a Freedom of

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Information Act request, that was received by the United States Department of Justice, federal Bureau of Prisons, the Defendant, on October 17, 2016. (See Exhibit "A"). The request sought a copy of the video recording of an incident that occurred on February 20, 2015 at approximately 07:35am at the Federal Medical Center in Fort Devens.

6. In a letter dated November 01, 2016, the Plaintiff Michael Charles, received notice from the United States Department of Justice, Federal Bureau of Prisons denying his request for the video recording, and as basis for their denial cited FOIA exemptions; "(b)(5); (b)(6); (b)(7)(c); (b)(8)(e); and, (b)(7)(f). (See Exhibit "B").
7. Because Twenty (20) working days has elapsed, the Plaintiff Michael Charles, has constructively exhausted all required administrative remedies in this cause of action, and pursuant to 5 U.S.C. § 552.
8. The Plaintiff Michael Charles, has a legal right under the Freedom of Information Act, 5 U.S.C. § 552, to obtain the information that he seeks, and there is no basis in law for the denial of this request for information by the United States Department of Justice, Federal Bureau of Prisons, the Defendant, of this right.

PRAYER

The Plaintiff, Michael Charles, prays that this Honorable Court;

- A. Order the Defendant, the United States Department of Justice, Federal Bureau of Prisons, to disclose the requested records --in their entirety-- and send him copies promptly;
- B. Award reasonable costs and fees as provided for in 5 U.S.C. § 552(a)(4)(E) and 28 U.S.C. § 2412(d);
- C. Expedite this action in every way possible and pursuant to 28 U.S.C. § 1657(a); and,

D. Grant any and all other such relief that the Court may deem just and proper, which would entitle the Plaintiff to said request.

DECLARATION OF THE PLAINTIFF AND CERTIFICATE OF MAILING

The Plaintiff, Michael Charles, hereby Declares under the Pains and Penalties of Perjury and pursuant to Title 28 U.S.C. § 1746, that all of the information contained in this document are True and Correct representations of the information in the possession of the Plaintiff and are Accurate to the best of his Knowledge, Ability, and Belief.

Because the Plaintiff is a pro se litigant, his filings are liberally construed. Spotts v. United States, 429 F.3d 248, 250 (6th Cir. 2005)(citing Haines v. Kerner, 404 U.S. 519, 520 (1972))(stating that the Court holds pleadings of pro se litigants to less stringent standards than formal pleadings drafted by lawyers)); Boswell v. Mayer, 169 F.3d 384, 387 (6th Cir. 1999)(pro se plaintiffs enjoy the benefit of a liberal construction of their pleadings and filings.

With this being said and in mind, the Plaintiff Michael Charles, does not consent to a re-categorization of his pleading and requests the Court to rule on the Merits and Law of this action.

The Plaintiff Michael Charles, hereby declares under the Pains and Penalties of Perjury and pursuant to 28 U.S.C. § 1746, that this action is filed with the Prison Authorities at the Federal Correctional Complex at Allenwood Low, on this 13 day of the month of April, in the year 2017. This declaration is being made pursuant to the prisoner Mailbox Rule as outlined in Houston v. Lack, 286 U.S. 266 (1986), and this pleading is being filed with the CLERK OF COURT for the Middle District of Tennessee, in a First-Class Postage Pre-Paid envelope correctly and appropriately addressed.

Respectfully Submitted,



Michael Charles (18736-075)

DATED this 13 day of the month of April, in the year, 2017.

